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11 Attorneys for Plaintiff
12 CALIFORNIA SPORTFISHING
13 PROTECTION ALLIANCE

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 CALIFORNIA SPORTFISHING
16 PROTECTION ALLIANCE, a non-profit
17 corporation,

17 Plaintiff,

18 vs.

19 AARON METALS COMPANY, a
20 corporation.

21 Defendant.

Case No. 3:07-cv-3547-WHA

**CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE'S
UNOPPOSED MOTION TO EXTEND
THE CASE MANAGEMENT
CONFERENCE**

Conference: October 18, 2007
Time: 11:00 AM
Courtroom: 9

24 Pursuant to Local Rules 16-2(d), Plaintiff California Sportfishing Protection Alliance
25 ("CSPA") hereby requests that the Court extend the initial case management conference currently
26 scheduled for October 18, 2007, for a period of about 70 days, until December 20, 2007, by which
27 date the parties expect to file their stipulated request for dismissal which will very likely obviate the
28

1 need for preparing either a case management order or Rule 26(f) Report. CSPA requests that the
 2 Court accept this motion and request in lieu of the formal Case Management Statement and Rule
 3 26(f) Report required by the Court's case management order dated July 9, 2007.

4 CSPA filed this complaint on July 9, 2007, but has yet to serve it on Defendant Aaron Metals
 5 Company ("Aaron Metals"). Declaration of Douglas J. Chermak, ¶ 2. In the interim, CSPA and
 6 Aaron Metals have engaged in settlement discussions to resolve the issues in CSPA's complaint. *Id.*
 7 at ¶ 3. The parties are steadily making progress and are close to reaching a settlement agreement.
 8 *Id.* Counsel for both parties have conferred about the case schedule and the case management
 9 conference and agree that the Court should extend the date of the initial case management
 10 conference while the parties finalize a settlement agreement. *Id.* at ¶ 4. Extending the date 70 days
 11 will allow the parties to forward the settlement agreement to the United States Environmental
 12 Protection Agency and the United States Department of Justice to begin a 45-day review period by
 13 those agencies prescribed by Section 505(c)(3) of the Federal Water Pollution Control Act, 33
 14 U.S.C. § 1365(c)(3). At the completion of that 45-day agency review period, the parties will file a
 15 stipulated request for dismissal requesting the court to maintain jurisdiction to enforce the terms of
 16 the settlement agreement.
 17
 18
 19

20 In light of the forthcoming settlement agreement and the need to allow the federal agencies
 21 45 days to review the agreement, CSPA proposes the following revised case management schedule:

<u>Date</u>	<u>Event</u>
12/13/2007	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement

1 12/20/2007

Initial Case Management Conference

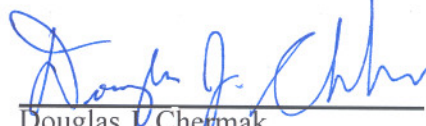
2 Should the case not be dismissed by December 13, 2007, the parties shall file any necessary
3 case management statement and Rule 26(f) Report by December 13, 2007.
4

5 Dated: October 11, 2007

Respectfully submitted,

7 LAW OFFICE OF MICHAEL R. LOZEAU

8
9 By:



Douglas J. Chermak
Attorney for Plaintiff
CALIFORNIA SPORTFISHING PROTECTION
ALLIANCE